HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.13195 of 2007

28.6.2007

Between

Kothi Kotaiah ..Petitioner

AND

The Revenue Divisional Officer (Civil Supplies), Ongole and another ..Respondents

:: JUDGMENT ::

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.13195 of 2007

Heard Sri I.Koti Reddy, learned counsel for the petitioner and the learned Assistant Government Pleader for Civil Supplies. With their consent, the writ petition itself is disposed of, as the controversy rests in a narrow compass.

The writ petitioner is the fair price shop dealer in Yenikapadu Village, Santhanuthalapadu Mandal. He had been granted authorization in terms of Clause 5 of Andhra Pradesh State Public Distribution System Control Order, 2001, the period of which has been renewed upto 31.3.2007 by the Revenue Divisional Officer, Ongole, first respondent herein. But however, in the meantime, proceedings have been initiated against the writ petitioner detecting certain irregularities in the quantities of rice of the Public Distribution System and therefore, his authorization has been suspended. But however, upon showing proper cause for the loss of rice of the Public Distribution System found in his fair price shop, the first respondent passed orders on 12.5.2007, the operative portion of which reads as under:

> "After careful examination of the issue, it is noticed that there is variation of 1.03 qtls. of P.D.S. rice in the Sri K.Kotaiah F.P. Shop dealer of Yenikapadu village of Santhanuthalapadu Mandal. Perused the explanation of the dealer and connected records. Sri K.Kotaiah, F.P. Shop dealer of Yenikapdu Village is warned to be much

careful in future in discharging duties of F.P. shop dealer and his dealership authorization is hereby restored by imposing a penalty of Rs.1,000/-. The Tahsildar, Santhanuthalapadu is directed to issue ECs to the dealer after collection of penalty of amount in the shape of Chalana and report compliance."

By virtue of the orders passed by the first respondent on 12.5.2007, the fair price shop dealership authorization of the writ petitioner is to be restored and it has to be renewed subject to the conditions imposed by the first respondent. The writ petitioner asserts that on 5.6.2007, he had paid up the fine amount of Rs.1,000/- into the Government treasury and enclosing the receipt thereof to his petition dated 5.6.2007 approached the Tahsildar, Santhanuthalapadu Mandal seeking allotment of essential commodities for the month of June, 2007. He also solicited to pay up the value of the essential commodities sought to be lifted by him, but however, the Tahsildar realizing that the authorization issued in favour of the writ petitioner expired by 31.3.2007 and that its validity had not been extended by the first respondent so far, had declined to permit the writ petitioner to lift the stock of the essential commodities. This has prompted the writ petition to be instituted.

The learned Assistant Government Pleader for Civil Supplies pointed out that unless the authorization granted in favour of the writ petitioner whose validity expired on 31.3.2007, is further extended by the first respondent, the writ petitioner cannot be permitted to lift the stock of the essential commodities

for their eventual distribution. There is no gain saying that the distribution of the essential commodities by a fair price shop dealer has got to be regulated in accordance with the provisions contained in the Andhra Pradesh State Public Distribution System Control Order, 2001 which requires a valid and subsisting authorization issued to the fair price shop dealer. Merely because, the writ petitioner had paid a sum of Rs.250/- on 14.6.2007 into the Government treasury, which he asserts as the fee for soliciting the extension of the validity of the authorization, the writ petitioner does not appear to have filed any application before the competent authority viz., Revenue Divisional Officer, Ongole, first respondent herein seeking extension of the validity period of the authorization issued to him. It is only therefore appropriate that the writ petitioner shall approach the first respondent within a period of one week from now soliciting extension of the validity of the authorization and thereafter, the first respondent will consider and pass orders of extension of the validity of the authorization within a further period of two weeks. It is needless to observe that upon such extension of the validity of the period of authorization, the second respondent – Tahsildar, Santhanuthalapadu Mandal should permit the writ petitioner to lift the stock of the essential commodities for the purpose of distribution.

With this, the writ petition stands disposed of. No costs.

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NOOTY RAMAMOHANA RAO.J.

Note: Furnish copy of the

Order within three days.
(bo)
28.6.2007
psr